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December 06, 2023

VIA ECF

Hon. Paul G. Gardephe
United States District Judge
United States District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 705
New York, NY 10007

RE: Sullivan v. Hwang et al., Case No. 1:22-cv-05675 (PGG)

Dear Judge Gardephe:

I write on behalf of Plaintiff Brendan Sullivan in the above-captioned action. On November 21, 2023, Defendants Archegos Capital Management, LP, Archegos Fund, LP, Andy Mills, Diana Pae, Brian Jones, Patrick Halligan, Sung Kook (“Bill”) Hwang, the Grace and Mercy Foundation, and EWM LLC served on Plaintiff four motions to dismiss Plaintiff’s Amended Complaint.¹ Pursuant to the Court’s Order on October 18, 2023, Plaintiff’s oppositions to Defendants’ motions are due by December 19, 2023. (ECF No. 119). Pursuant to Rule I(D) of Your Honor’s Individual Rules of Practice, based on the complexity and number of the arguments raised in Defendants’ four motions to dismiss, Plaintiff respectfully requests an additional thirty days to respond to Defendants’ motions, by January 18, 2024. Plaintiff had previously joined the proposed stipulation filed on October 16, 2023 (ECF No. 118), regarding the setting of briefing deadlines, which the Court granted in-part and extended Defendants’ deadline to file their opening briefs. Plaintiff has conferred with counsel for Defendants, who do not oppose this request.

Additionally, I write to respectfully request leave to file a consolidated memorandum of law in opposition to the four motions to dismiss that exceeds the 25-page limit established by the Court’s Individual Rule of Practice IV(B). Defendants’ four memoranda of law total 87 pages, and pursuant to the Rule IV(B), Plaintiff would be entitled to submit four opposition briefs at a limit of 25 pages each, for an aggregate total of 100 pages. Given the significant overlap in the issues raised, Plaintiff believes a single, consolidated opposition brief will further the interests of judicial efficiency. Plaintiff has determined after diligent efforts that he will need approximately 65 pages to fairly present his position. Plaintiff has again conferred with counsel for Defendants, who do not oppose this request.

¹ Defendant Scott Becker served a notice of joinder to the motion of several of his co-defendants.



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Accordingly, Plaintiff respectfully requests a thirty-day extension, until January 18, 2024, and leave to file a consolidated opposition brief of no more than 65 pages in length.

Sincerely,

BROWN RUDNICK LLP

A handwritten signature in blue ink, appearing to read 'Richard E. Darst', with a long horizontal flourish extending to the right.

Richard E. Darst

cc: All Counsel, via ECF

MEMO ENDORSED

The Application is granted.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Paul G. Gardephe', written in a cursive style.

Paul G. Gardephe, U.S.D.J.

Dated: December 7, 2023